



NORTH DAKOTA RENAISSANCE ZONE PROGRAM

(N.D.C.C ch. 40-63)



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**ALTERNATIVE FORMATS FOR DISABLED
PERSONS ARE AVAILABLE UPON REQUEST**

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RENAISSANCE ZONE PROGRAM STATEMENT

I. Introduction

The Fifty-sixth Legislative Assembly created the Renaissance Zone Act under N.D.C.C. ch. 40-63, hereinafter referred to as the “Act”, to make it possible for North Dakota cities to apply to the North Dakota Division of Community Services (DCS) to create a **Renaissance Zone** within their jurisdiction. For communities with less than five thousand population, a Renaissance Zone may consist of a defined geographical area of up to 20 square contiguous blocks within a continual boundary. For communities of more than five thousand population, the defined geographical area may exceed twenty square blocks up to a maximum of thirty-five blocks, based on one additional block for each additional five thousand population. Such an area is typically in the central city consisting of residential and commercial properties that need to be revitalized and redeveloped to attract businesses and residents. The Act provides for certain types of tax exemptions and credits to encourage investment in these properties. A city may apply for the designation of one Renaissance Zone with a duration of up to 15 years, and may request to establish a Renaissance Fund Organization for the purpose of raising funds to invest in approved zone projects throughout the state or other businesses within its own Renaissance Zone.

The implementation of this Act is the responsibility of the DCS and the Office of State Tax Commissioner.

A Renaissance Zone can be a very important and beneficial tool for community redevelopment and economic investment if properly developed, implemented, and managed. It is crucial that a request to designate a Renaissance Zone is not looked upon simply as a method to provide tax exemptions and credits. The community as a whole needs to be involved in creating a zone and the projects that are approved for the zone need to clearly relate to the long term broader development plans of the city. Local planning and a well thought out and designed Development Plan will be keys to whether or not the DCS will approve the designation of a Renaissance Zone, and if requested, the establishment of a Renaissance Fund Organization.

To apply for a Renaissance Zone, a city must first have a locally adopted comprehensive or strategic plan in place. It must then create a Development Plan (see Appendix B). The Development Plan will describe the area proposed to be designated as the Renaissance Zone; will describe the city’s vision, goals and objectives for the zone and discuss how the proposed zone relates to the broader plans for the city; will identify initially targeted properties; will describe the process and selection criteria to be used to select and approve zone projects; will describe how the zone will be managed and promoted; and, if applicable, will describe the desire to establish a Renaissance Fund Organization.

The contents of this program statement include a description of responsibilities, the tax exemptions and credits provided in the Act, program definitions, program policies, information required for approved projects, and program procedures. Also included as Appendices are the program application form, the contents of a Development Plan, a sample

resolution from the City to provide the tax exemption, a Memorandum of Agreement (MOA) template between the DCS and each city with a Renaissance Zone, and the procedures for obtaining a Certificate of Good Standing from the Office of State Tax Commissioner. The Office of the State Tax Commissioner has prepared a separate document that explains the implementation of the tax exemptions and credits.

II. The Division of Community Services is Responsible for:

- Approving or rejecting the geographic boundaries of the proposed Renaissance Zone.
- Approving or rejecting the duration of the proposed Renaissance Zone.
- Reviewing each application for a Renaissance Zone designation against the evaluation criteria identified in the Act and designating each zone.
- Approving or rejecting the establishment of a Renaissance Fund Organization.
- Promoting the Renaissance Zone program.
- Annually monitoring the progress of each designated Renaissance Zone with the approved Development Plan.
- Reporting annually to the Governor and the Legislative Council on the progress of each Renaissance Zone.
- Reviewing project information and giving final approval to each locally approved zone project.
- Providing a yearly report to the budget section of the Legislative Council on the conclusions of audit reports on approved Renaissance Fund Organizations.

III. The Office of State Tax Commissioner is Responsible for:

- Administering all tax exemptions and credits for approved Renaissance Zones.
- Assisting the DCS in determining fiscal impacts of approved zone projects.
- Tracking the allocation of tax credits to each Renaissance Fund Organization.
- Answering all tax related questions.
- Providing a Certificate of Good Standing for each taxpayer requesting approval for a zone project.

IV. The City in which a Renaissance Zone is Designated is Responsible for:

- Appointing a Local Zone Authority to manage, promote, and develop the zone, to include doing recordkeeping and reporting.
- Designating the entity responsible for approving or disapproving projects (city governing body or zone authority).
- Complying with the provisions of the Renaissance Zone Program Statement and the City's approved Development Plan.
- Assuring proper management of a Renaissance Fund Organization, if approved by the DCS.

V. Definitions:

Block - A piece of land usually bounded on all sides by streets or other transportation routes such as railroad lines, or by physical barriers such as water bodies or public open space, and not traversed by a through street. City blocks, because of the common "gridiron" pattern, usually are rectangular. The DCS will consider unusual block configurations such as railroad tracks or a river traversing a block, based on existing city plat or block numbering systems.

For the purpose of the Renaissance Zone:

- Typical block areas may not be gerrymandered into irregular patterns for the purpose of creating larger block areas designed to target particular buildings or vacant lots.
- A vacant lot may only be included for tax exemptions or credits if it was previously developed.
- Undeveloped lots may generally not be included in the zone for tax exemptions and credits.

Boundary - means the boundary established by vote of the city governing body and approved by the DCS.

Development Plan - means a written plan that includes the following:

1. A map of the proposed Renaissance Zone which indicates the geographic boundaries and blocks, a description of the properties and structures on each block, identification of those properties and structures to be targeted for potential zone projects, and a description of the present use and conditions of the targeted properties and structures.
2. A description of the existing physical assets, in particular natural or historical assets, of the zone and a plan for the incorporation and enhancement of the assets within the proposed development.

3. An outline of goals and objectives and proposed outcomes, including major milestones or benchmarks, by which to gauge success resulting from the designation of the zone.
4. A description of the types of projects the city would encourage in the city's targeted properties.
5. A description of the promotion, development, and management strategies to maximize investment in the zone.
6. A plan for the development, promotion, and use of a Renaissance Fund Organization, if one is desired to be established. If a city is not ready to commit to establishing a Renaissance Fund Organization, the city may indicate in the Renaissance Zone application the city's desire to submit a plan for approval at a later date.
7. Evidence of community support and commitment from residential and business interests.

Historic Property - Property that is: (1) listed on the National Historic Register of Historic Places; (2) a contributing structure within a National Register Historic District or a certified state or local historic district; or (3) eligible for listing in the National Historic Register of Historic Places.

Investment - For the purpose of North Dakota Century Code § 40-63-04(2), investment means the holding of residential or commercial property that is not used in the taxpayer's trade or business.

Investor - means the individual, partnership, limited partnership, limited liability company, trust, or corporation making an investment in a Renaissance Fund Organization.

Lease - means the lease of space in a building in a designated renaissance zone by a new business moving into the zone or by an existing zone business expanding in the zone, and the continuation of a lease of an existing zone tenant in a building rehabilitated as an approved zone project. For existing zone tenants expanding in the zone, the term does not include existing leased space.

Local Zone Authority - means the city or the entity designated by the city to promote, develop, and manage the zone and may include any nonprofit incorporated entity such as an economic development corporation, community development corporation, main street organization, or chamber of commerce.

Original Principal Amount - means the funds invested in a Renaissance Fund Organization after designation of the Renaissance Zone and before the sunset of that zone.

Primary Residence - An individual taxpayer's primary place of residence is the person's true, fixed, and permanent home, and is the place to which, whenever absent, the taxpayer intends to return.

Rehabilitation - as used in sections 40-63-04 and 40-63-05, means the repair or remodeling of a building at a cost that is equal to or exceeds 50 percent of the current true and full value for commercial buildings and 20 percent for single-family homes. The purpose of rehabilitation is to repair or remodel existing homes or commercial structures to bring them up-to-date with current building codes and standards and/or to repair or remodel dilapidated conditions. Rehabilitation will also pertain to buildings that are demolished and replaced with new structures. For commercial properties, rehabilitation may also consist of building additions for business expansion.

Single-Family Residential Property - For the purpose of the Renaissance Zone Act, the purchase by an individual taxpayer of single-family residential property for the individual's primary place of residence will include a single-family detached home, single unit in a duplex, townhouse, and condominium.

Taxpayer - means an individual, corporation, financial institution, or trust subject to the taxes imposed by chapter 57-35.3 or 57-38 and includes a partnership, subchapter S corporation, limited partnership, limited liability company, or any other passthrough entity.

Zone - means a Renaissance Zone proposed by a city and designated by the DCS.

Zone Project - means the purchase, lease, rehabilitation, or historical preservation or renovation of a building or space in a building approved for zone incentives by a majority vote of the city governing body or zone authority.

VI. Available Tax Exemptions and Credits (Detailed information on the tax provisions in this law, including forms and procedures, can be obtained from the Office of State Tax Commissioner or at www.state.nd.us/taxdpt/forms/quidelines.html.)

1. Income Tax Exemptions and Credits

- a. An individual taxpayer who purchases or rehabilitates single-family residential property for the individual's primary place of residence as a zone project is exempt from up to ten thousand dollars of personal income tax liability as determined under section 57-38-29 or 57-38-30.3 for five taxable years beginning with the date of occupancy or completion of rehabilitation. (*See Part 2 of Tax Guide*)
- b. Any taxpayer that purchases, leases, or rehabilitates residential or commercial property for any business or investment purpose as a zone project is exempt from any tax on income derived from the business or investment locations within the zone for five taxable years, beginning with the date of purchase, lease, or completion of rehabilitation. (*See Part 3 of Tax Guide*)
- c. If the cost of a new business purchase or expansion of an existing business, approved as a zone project, exceeds seventy-five thousand dollars, and the business is located in a city with a population of not more than two thousand five hundred, an individual taxpayer may, in lieu of the exemption provided in subsection b above, elect to take an income tax exemption of up to two thousand dollars of personal

income tax liability as determined under section 57-38-29 or 57-38-30.3. The election must be made on the taxpayer's zone project application. The election is irrevocable and binding for the duration of the exemptions provided in subsection b and c. If no election is made on the zone project application, the taxpayer is only eligible for the exemption provided in subsection b. *(See Part 4 of Tax Guide)*

- d. The exemptions provided by this section do not eliminate any duty to file a return or to report income as required under chapter 57-35.3 or 57-38.

NOTE: Insurance companies subject to North Dakota's gross premium tax under N.D.C.C. ch. 26.1-03 are not eligible for any tax incentives under the Act.

NOTE: The ownership or lease of, or investment in a parcel of property may qualify for an exemption only once, but during the five taxable years of eligibility, the exemption may transfer with the transfer of the property to a qualified user on a prorated basis. If such a transfer occurs, the zone authority must notify the DCS and provide the applicable taxpayer information identified in Section XI of this Program Statement.

2. Property Tax Exemptions *(See Part 1 of tax guide)*

- a. A municipality may grant a partial or complete exemption from ad valorem taxation on single-family residential property, exclusive of the land on which it is situated, if the property was purchased or rehabilitated by an individual for the individual's primary place of residence as a zone project. An exemption granted under this subsection may not extend beyond five taxable years following the date of acquisition or rehabilitation.
- b. A municipality may grant a partial or complete exemption from ad valorem taxation on buildings, structures, fixtures, and improvements purchased or rehabilitated as a zone project for any business or investment purpose. An exemption under this subsection may not extend beyond five taxable years following the date of purchase or rehabilitation.

NOTE: A parcel of property may be exempted from property taxes only once, but during the five taxable years of eligibility for that exemption, the property tax exemption may transfer with the property to a qualifying user. If such a transfer occurs, the zone authority must notify the DCS and provide the applicable taxpayer information identified in Section XI of this Program Statement.

3. Historic Preservation and Renovation Tax Credit *(See Part 5 of Tax Guide)*

A credit of twenty-five percent of an investment is allowed for the preservation and renovation of eligible historic property that is part of a zone project up to a maximum of \$250,000. This credit is against state tax liability as determined under sections 57-35.3-03, 57-38-29, 57-38-30, and 57-38-30.3 of the North Dakota Century Code. The credit may be claimed in the year in which the preservation or renovation is completed. Any excess credit may be carried forward for a period of up to five years from the date of the investment.

4. Renaissance Fund Organization - Exemption and Credits (*See Part 6 of Tax Guide*)

- a. A Renaissance Fund Organization is exempt from any tax imposed by North Dakota Century Code chapters 57-35.3 or 57-38. This exemption may be passed through to any shareholder, partner, and owner if the Renaissance Fund Organization is a pass-through entity for tax purposes. A corporation or financial institution entitled to the exemption provided shall file required returns and report income to the tax commissioner as required by the provisions of those chapters as if the exemption did not exist. If an employer, a Renaissance Fund Organization is not exempt from complying with the income tax withholding laws.
- b. A credit against state tax liability as determined under North Dakota Century Code sections 57-35.3-03, 57-38-29, 57-38-30, or 57-38-30.3 is allowed for investments in a Renaissance Fund Organization. The amount of the credit is fifty percent of the amount invested in the Renaissance Fund Organization during the taxable year. Any amount of credit which exceeds a taxpayer's tax liability for the taxable year may be carried forward for up to five taxable years after the taxable year in which the investment was made.
- c. The total amount of credits allowed for a Renaissance Fund Organization may not exceed, in the aggregate, an initial limit of two million five hundred thousand dollars. Upon exhaustion of this initial limit, an additional two million five hundred thousand dollars in credits is available for investments in Renaissance Fund Organizations. A Renaissance Fund Organization that has received investments that qualify for these additional credits under this subsection may not use more than fifty percent of such investments for organization investments outside of a Renaissance Zone.
- d. If an investment in a Renaissance Fund Organization which is the basis for a credit under this section is redeemed by the investor within ten years of the date it is purchased, the credit must be disallowed, and any credit previously claimed and allowed with respect to the investment must be paid to the tax commissioner with the appropriate return of the taxpayer covering the period in which the redemption occurred. When payments are made to the tax commissioner, the amount collected must be handled in the same manner as if no credit had been allowed.

VII. Renaissance Fund Organization - Establishment and Administration

1. Each city with a designated Renaissance Zone may establish a Renaissance Fund Organization, if the detailed plan for such an organization is clearly established in the development plan and approved with the plan, or is submitted at a later date to the DCS for approval after the designation of a Renaissance Zone. (**“Establish”** means to create its own Renaissance Fund Organization or to contract with an entity to act as its Renaissance Fund Organization.)

2. The purpose of a Renaissance Fund Organization is to raise funds to be used to make investments in zone projects and to make investments in designated Renaissance Zone cities. A Renaissance Fund Organization may provide financing to projects undertaken by individuals, partnerships, limited partnerships, limited liability companies, trusts, corporations, nonprofit organizations, and public entities. The financing may include any combination of equity investments, loans, guarantees, and commitments for financing. The amount of financing is not limited.
3. Income to a Renaissance Fund Organization derived from the sale or refinancing of zone properties financed wholly or in part by the organization may be dispersed as annual dividends equal to the income, minus ten percent, derived from all sources and proportional to the investment. In the event of a loss to the fund resulting in a temporary diminishment of the fund below the original principal amount, no annual dividend may be paid until the fund is restored.
4. Income to a Renaissance Fund Organization derived from interest or the temporary investment of its funds in certificates of deposit, bonds, treasury bills, or securities may be used for administration.
5. A Renaissance Fund Organization may not exceed its applicable population allocation of credits as identified in Section X subsection 15 of this Program Statement. For a taxpayer to qualify for tax credits, the organization must complete and file a North Dakota Renaissance Fund Organization Investment Reporting form.

To determine credits available, the organization may contact the Office of State Tax Commissioner. The DCS will notify each corporation when credits are no longer available. *(See Part 4 of tax guide)*

6. If after a Renaissance Fund Organization is established and problems arise that require a change in the initial structure approved with the City's Development Plan, the zone authority must notify the DCS of the change that is to occur.
7. A Renaissance Fund Organization shall secure an annual audit of its financial records, prepared by an independent certified public accounting firm in accordance with generally accepted auditing standards. The audit report must include a statement of the percentage of annual investments received by the organization which have been invested by the organization in investments permitted under the law, including the use of investments, distinguishing between organization investments made in Renaissance Zones and outside Renaissance Zones. A Renaissance Fund Organization shall file a copy of each audit of its financial records with the governing body of the city in which it was established, the DCS, and the Tax Commissioner. The DCS shall provide an annual report to the budget section of the legislative council showing the conclusions of audit reports filed under this subsection.
8. Each Renaissance Fund Organization must maintain records on each investor evidencing that they are not delinquent in payment of any state and local tax liability.

VIII. Income Tax Statistical Information

An exception to the income tax secrecy provisions is provided by the Act for the purpose of providing to a local zone authority statistical information regarding the exemptions and credits claimed in a zone. Statistical information is not reportable, either within a particular zone or statewide, if there are fewer than five taxpayers claiming a particular exemption or credit.

IX. Pass-Through of Tax Exemption or Credit

A partnership, subchapter S corporation, limited partnership, limited liability company or any other pass-through entity that purchases or leases property in a Renaissance Zone for any business purpose, invests in a historic preservation or renovation of property within a Renaissance Zone, or invests in a Renaissance Fund Organization must be considered to be the taxpayer for purposes of any investment limitations in Section VI of this program statement, and the amount of the exemption or credit allowed with respect to the entity's investments must be determined at the pass-through entity level. The amount of the total exemptions or credit determined at the entity level must be passed through to the partners, shareholders, or members in proportion to their respective interests in the pass-through entity. This does not apply if the pass-through entity is a financial institution as defined by North Dakota Century Code 57-35.3.

X. Renaissance Zone Policies

1. For cities under 5,000 population a Renaissance Zone cannot be more than 20 square blocks. For cities of more than 5,000 population, the Renaissance Zone may be expanded above 20 square blocks by one block for each additional 5,000 population, up to a maximum of 35 blocks. All blocks must have a continual boundary and must be contiguous to one another. If a block with commercial and residential property contains any tax exempt government buildings, the city may declare a half block for the purpose of counting blocks. However, all counted blocks must still have a continual boundary and must still be contiguous. No further break-down of a block for counting purposes is allowed. Actual half blocks may only be part of a zone after the initial 20 blocks are identified.
2. The proposed Renaissance Zone must include both commercial and residential property.
3. The duration of a Renaissance Zone may not exceed 15 years.
4. A city may not propose or be part of more than one Renaissance Zone.
5. A city may apply for a Renaissance Zone for an area of less than the number of eligible blocks and, at a later date, request expansion of the zone up to the maximum number of blocks permitted.

6. If the city determines that a block(s) within the Renaissance Zone is not progressing (no activities are taking place), the city may request the Department of Commerce/Division of Community Services to delete the block(s) and add another equal, contiguous area to the original zone.
7. A city must hold at least one public hearing on the Development Plan.
8. The city must have an adopted current comprehensive or strategic plan.
9. The use of grant funds as the sole source of investment in the purchase of a building or space in a building does not qualify a taxpayer for any tax exemption or credit available under the Act, and grant funds may not be counted in determining if the cost of rehabilitation meets or exceeds the current true and full value of the building.
10. Except for an investment in a Renaissance Fund Organization, the income tax exemptions and credits may only be approved with the purchase, lease, or rehabilitation of real property.
11. To be eligible for state tax exemptions or credits, a taxpayer may not be delinquent in payment on any state and local tax liability. The city or local zone authority is responsible for maintaining documentation pertaining to a taxpayer's status with local taxes for each approved zone project. Each Renaissance Fund Organization is responsible for maintaining this documentation on each investor.
12. Any project requesting approval for Renaissance Zone historic preservation and renovation tax credits must be reviewed and approved by the State Historical Society.
13. Within its Development Plan, the city must describe how it will assure that it will not actively recruit businesses into its Renaissance Zone from other North Dakota cities.
14. If a city has not adopted and is not enforcing the State Building Code and State Energy Code, it must describe how it will assure that all building construction and renovation activities comply with the State Building Code and State Energy Code, and any local amendments, to include the Americans with Disabilities Act Accessibility Guidelines (ADAAG).
15. In order to provide the opportunities for more than one Renaissance Fund Organization to access the initial \$2.5 million of available tax credit, the following allocations of the credits by population size is established. As the additional \$2.5 million in credits becomes available, the same population categories and percentage allocation will be used.

0-5000	\$250,000
5001-30,000	\$1,000,000
30,001 plus	\$1,250,000

The DCS reserves the right to reallocate these credits among the population categories at any time.

16. Approved zone projects may only be for activities that occur after the designation by the DCS of a Renaissance Zone. In addition, before a potentially eligible purchase, lease or rehabilitation (to include historical preservation and renovation) of property occurs, the zone project must first be approved by the city and the DCS as a zone project. In the case where a taxpayer has a potential zone project for the purchase or lease of property but because of an emergency must make the purchase or enter into the lease prior to approval of the zone project by the city and state, the city may consider approving the purchase or lease as a zone project if the taxpayer submits a zone project application to the city within thirty days following the purchase or lease. The city must obtain and maintain documentation indicating the purchase or lease date, and the date of receipt of the zone project application
17. A Renaissance Fund Organization must provide an annual audit to the local zone authority or other designated zone entity, and the DCS. (See Section VIII, 7 of this Program Statement for additional guidance.)
18. If a city is not making progress in implementing its Development Plan or is not abiding by the provisions of the MOA, the DCS may withdraw the zone designation for future projects.

NOTE: The DCS reserves the right to ask for additional information with respect to demonstrating compliance with all program policies.

XI. DCS Project Approval Procedures and Required Project Information

Before a locally approved zone project transaction may occur, the DCS must also approve the zone project. DCS approval, however, is only to assure that a zone project and its local approval are consistent with the city's Renaissance Zone Development Plan, and that all information about the locally approved zone project and taxpayer are provided. The DCS will use the following procedures for its approval:

1. Purchase only - The DCS will give approval to permit a purchase to occur. Following approval of the zone project, the city must then provide the DCS with the date of purchase for final approval and designation of the five-year tax exemption or credit period.
2. Lease only - Same procedures as for Purchase only.
3. Purchase with Major Improvements - This pertains to a business that purchases a building for its business, but must first make major improvements. The DCS will use the purchase only approval procedures, but the five-year tax exemption period will not begin until the improvements are completed and the business occupies the building. For rental property, the five-year tax exemption period will begin with the date of the first rental. The city must communicate the date the space is occupied or rented for final approval and designation of the five-year business income tax exemption period.

4. Rehabilitation only - The DCS will give conditional approval until the project is completed and the city verifies that the rehabilitation costs meet or exceed the current true and full value of the building. At that time, the DCS will give final approval and designate the five-year tax exemption period. The city must also give conditional approval until the final costs are verified and submitted to the DCS.
5. Historical Preservation and Renovation - If this is a stand alone zone project, the DCS will give approval for the work to begin, and will start the six-year tax credit period upon completion and verification of final costs by the city and final approval from the State Historical Society. If this is part of a purchase or rehabilitation, those procedures will be used to permit the preservation and renovation to begin. The six-year tax credit period will be determined upon completion and verification of final costs by the city and final approval from the State Historical Society.

In order to receive DCS approval on zone projects, the following information must be submitted to the DCS:

1. Project Information:

- a. Project description, to include if it involves a purchase, a lease, rehabilitation, purchase with major improvements, historical preservation or renovation, or a combination of any of these. If it is a lease project, describe if it is a new lease, if it is the continuation of a lease as a result of a building being rehabilitated, if it is a business expansion, or if it is a new business moving into the zone.
- b. Address and Renaissance Zone block number.
- c. Whether or not the project is being funded by a Renaissance Fund Organization. If so, describe the type and amount of financing and name of the Renaissance Fund Organization.
- d. For rehabilitation projects, provide a description of the work, the current true and full value of the building, and the estimated costs.
- e. For projects that involve historical preservation or renovation, but are not part of a rehabilitation project, provide a description of the work and the estimated costs.
- f. Provide the estimated state and local tax benefit to the taxpayer for five years.

2. Zone Authority and City Documentation:

- a. Date of approval or conditional approval. Provide a copy of minutes or other supporting documentation that indicates the formal approval by the approving entity.
- b. For projects involving business or investment property, identify from the Development Plan the specific criteria used to approve the project.

- c. For projects other than the purchase or rehabilitation of a single family home and historical preservation and renovation, describe how the overall benefit(s) of the project to the community meets or exceeds the financial and tax benefit to the businesses or investor.
3. Other Documentation:
 - a. For projects involving renovation to historical property, provide a letter of consultation from the State Historical Society. Upon completion, provide documentation of approval from the State Historical Society.
 - b. Evidence that the taxpayer is current on state taxes. **(Taxpayers can contact the Office of State Tax Commissioner to receive a Certificate of Good Standing. This request must indicate that it is for a Renaissance Zone project.)**
4. Provide the following information for the applicable type of tax exemption or credit:
 - a. Income tax exemption for purchase or rehabilitation of single-family residential property:
 - Taxpayer's name (both names for joint filers).
 - Taxpayer's social security number (both for joint filers).
 - Taxpayer's telephone number
 - Mailing address if different from the street address identified in 1b above.
 - Expected date of occupancy and exact date of occupancy when it occurs. Expected date of completion of rehabilitation or historical preservation or renovation and the exact completion date when it occurs.
 - Evidence that the home purchased is the taxpayer's primary residence.
 - b. Income tax exemption for the purchase, lease, rehabilitation, and/or historical preservation and renovation by a business or investor:
 - Business name (trade name, doing business as) or investor's name.
 - Taxpayer's telephone number
 - Mailing address if different from the street address identified in 1b above.
 - Legal name of business if different from trade name.
 - Federal employer identification number or (social security number, if a sole proprietor).

- Type of entity (partnership; corporation; subchapter S corporation; cooperative; sole proprietorship; limited liability company; limited liability partnership).
- Whether or not the entity is subject to the financial institution tax (N.D.C.C. § 57-35.3)
- Expected date of purchase, lease, completion of rehabilitation and/or historical preservation and renovation, and the exact date when it occurs. For purchase with major improvements include the expected and final purchase date, the expected date of occupancy or first rental, and the final dates when they occur.

NOTE: The DCS reserves the right to reject an approved zone project or to continue negotiating its approval. When a project is approved by the DCS, the local zone authority will be notified in writing.

NOTE: If after a project is approved and the property changes hands or a replacement project is approved during the five-year exemption period, the DCS does not need to approve the transfer or the replacement project. The zone authority, however, must notify the DCS of the change and provide the applicable information about the new homeowners, business, and/or investor. The zone authority must also notify the DCS if any other change occurs in the status of the business or investor that would affect the exemption approved.

XII. Program Implementation Procedures

1. Submission of a Renaissance Zone Application

There is no specific time frame for submission of an application for a city to receive a Renaissance Zone designation.

An application consists of an application form (Appendix A), a Development Plan (See Appendix B for the plan format), a resolution that the city will provide the tax exemptions and credits permitted in the Act (Appendix C), and, if applicable, a request to establish a Renaissance Fund Organization.

Applications are to be sent to the DCS for review. The DCS will review each application using the following criteria provided in the Act:

- The viability of the Development Plan.
- The incorporation and enhancement of unique natural and historic features into the Development Plan.
- Whether the Development Plan is creative and innovative in comparison to other applications.
- Public and private commitment to and other resources available for the proposed Renaissance Zone, including the provisions for a Renaissance Fund Organization.

- How a Renaissance Zone designation would relate to a broader plan for the community as a whole.
- How the local regulatory burden, in particular that burden associated with the renovation of historic properties and that burden associated with mixed use development, will be eased for developers and investors in the Renaissance Zone.
- The strategies for the promotion, development, and management of the zone, including the use of a local zone authority if designated.
- Any other information required by the DCS.

The DCS will involve other state agencies as deemed necessary and appropriate in the review of Renaissance Zone applications. The DCS will make every effort to conduct an initial review of an application as expeditiously as possible, given availability of staff and the number of applications received. Applications will be reviewed in the order in which they are received.

The DCS may approve, reject, or continue to negotiate an application for a Renaissance Zone designation. If an application that is approved contains a request to establish a Renaissance Fund Organization, the DCS may approve, reject, or continue to negotiate the Renaissance Fund Organization request. The DCS may also change the requested duration period of the zone.

2. Memorandum of Agreement

Upon approval of a Renaissance Zone designation, to include, if applicable, the establishment of a Renaissance Fund Organization, the DCS will develop a MOA (Appendix D) to be signed by the DCS and the city.

This MOA will serve as an agreement on the part of the city to accept its responsibilities for managing the Renaissance Zone and Renaissance Fund Organization; for submitting required project information to the DCS; for maintaining required records and information; for submitting all information requested by the DCS for annual reports to the Governor and the Legislative Council; for submitting yearly certifications on each approved project for the life of their respective tax exemptions and/or credits; and for permitting the DCS to monitor all zone and fund activities as deemed necessary by the DCS. Failure to comply with the provisions of the MOA may be grounds for the DCS to withdraw the city's Renaissance Zone Designation and operation of a Renaissance Fund Organization. The DCS may also separately withdraw the approval of a Renaissance Fund Organization if monitoring and yearly audits reveal noncompliance with the provisions of the Act for a Renaissance Fund Organization.

3. Submission of Approved Projects to the Office of State Tax Commissioner

Each time the local zone authority or local governing body approves a zone project, the project information identified in Section XI of this Program Statement must be submitted to the DCS for review and final project approval. The DCS will maintain the information on all approved zone projects. At the end of each year, or other time frame as designated by the Office of State Tax Commissioner, the DCS will provide the information to the Office of State Tax Commissioner for use in processing tax returns for eligible Renaissance Zone tax exemptions and credits. The city must provide any additional information requested by the Office of State Tax Commissioner.

XIII. Record Keeping for Annual Monitoring and Reporting

Listed below is the information to be collected and maintained by each zone authority. This information is to be reported yearly on a date to be determined by the DCS.

1. Number and types of new businesses created or retained.
2. Number of jobs created or retained.
3. Total amount of local property tax exemptions approved.
4. Increases in property values resulting from rehabilitation or historical renovation and preservation zone projects.
5. Number of new residents.
6. Any other information that the DCS may require for reporting purposes

XIV. Technical Assistance

For questions concerning this Program Statement and the Development Plan contact:

Richard W. Gray
North Dakota Department of Commerce
Division of Community Services
1600 East Century Avenue, Suite 2
PO Box 2057
Bismarck, ND 58502-2057
(701) 328-5300
Email: rgray@state.nd.us

For questions concerning the Tax Incentives contact:

Joseph Becker
ND Office of State Tax Commissioner
16th Floor - State Capitol
600 East Boulevard Avenue
Bismarck, ND 58505-0599
(701) 328-3451
Email: jjbecker@state.nd.us

APPENDIX A

NORTH DAKOTA RENAISSANCE ZONE APPLICATION

NORTH DAKOTA RENAISSANCE ZONE APPLICATION**DIVISION OF COMMUNITY SERVICES**

SFN 55205 (5/01)

APPLICANT	
Name of City	Address
Contact Person	
Telephone Number	
Brief Description of Proposed Renaissance Zone: <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>	
<div style="display: flex; justify-content: space-between;"> <div> Number of Square Contiguous Blocks Number of Properties Targeted for Residential Use: Single Family Units Multi-Family Units Number of Properties Targeted for Commercial Use Number of Targeted Historic Properties Proposed Zone Duration (Years) Is a Renaissance Fund Organization Requested? </div> <div> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <div> Yes <input type="checkbox"/> No <input type="checkbox"/> </div> </div> </div>	
Approved by: <hr/> Mayor/Council President	<hr/> Date Approved
Send To: Division of Community Services 1600 East Century Avenue, Suite 2 PO Box 2057 Bismarck, ND 58502-2057	<i>THIS SECTION FOR DCS USE ONLY</i>

APPENDIX B

DEVELOPMENT PLAN

Development Plan

I. Description of the Proposed Renaissance Zone

1. Provide a map which identifies the geographic boundaries and blocks in the proposed Renaissance Zone. Number each proposed block. To claim half blocks because of tax exempt government buildings, identify the tax exempt government buildings.
2. Provide an inventory of the buildings on each block indicating block number, owner, address and their present use and condition, and identify those properties to be initially targeted for projects. Indicate for those properties to be initially targeted the types of projects the city wants to encourage in those properties.
3. Provide a list of the natural and historical assets/sites in the zone, the location of each, and description of how they will fit into and be enhanced by the zone.
4. Provide a description of any local regulatory burdens that may affect renovation of historic properties and the incorporation of mixed use development, and how these burdens will be eased for developers and investors.

II. Management of the Renaissance Zone

1. Describe how the jurisdiction will administer all zone activities, to include a description of the promotion, development and management strategies to maximize investment in the zone, and how it will monitor all activities and projects, and maintain all reportable information.
2. Describe how the jurisdiction will assure that all construction, renovation, and remodeling will comply with the State Building Code, State Energy Code, and Americans with Disabilities Act Accessibility Guidelines (ADAAG).
3. Describe how the jurisdiction will assure that approved projects don't involve the restructuring of ownership of existing zone buildings, simply to make a taxpayer eligible for tax exemptions and/or credits, without real benefit to the jurisdiction.

III. Goals and Objectives of the Zone

1. Describe the jurisdiction's vision, goals and objectives for the zone. Describe the relationship of the goals and objectives to the current overall plans for the jurisdiction. Attach a copy of the jurisdiction's current comprehensive plan or strategic plan.
2. Describe the milestones or benchmarks for managing and monitoring the progress of the zone.
3. Describe the intended duration of the zone and describe why that amount of time is needed.

IV. Selection of Projects in the Zone

1. For properties other than single family primary residences, describe the criteria and process the city will use to select projects within the zone to qualify for state tax exemptions and credits, and describe how the selection criteria support the jurisdiction's goals and objectives for the zone. The selection process must include some form of public participation.
2. For purchases and rehabilitation of single family homes, describe how potential homeowners will be identified and how the zone authority will verify primary residence.
3. Describe how the city will decide to approve either partial or complete property tax exemptions.

V. Renaissance Fund Organization

1. Describe if the city will establish its own Renaissance Fund Organization or contract with an existing or new organization to act as its Renaissance Fund Organization.
2. Describe how the Renaissance Fund Organization will be managed and marketed, how it will obtain commitments from investors, and how it will keep track of original investors.
3. Describe how the Renaissance Fund Organization and local zone authority or other designated entity will work together to assure that funds raised are allocated to approved zone projects or other investments in the city or in other Renaissance Zone cities. If an organization is under contract by more than one Renaissance Zone city, describe how the city will assure that the organization will keep track separately of funds raised and allocated for its Renaissance Zone. Describe the city's role in deciding if its investor funds will be used in non-zone projects in its own city or other Renaissance Zone cities.
4. If a new organization will be established by the city, provide copies of the legal documentation for the creation of the Renaissance Fund Organization. If the city intends to contract with an organization, provide a copy of the contract. If the city intends to contract with an organization that does not yet exist, describe the organization to be created and the expected date for the creation of the organization.
5. If the city wants to establish a Renaissance Fund or Organization at a later date, explain why and whether it intends to establish its own or to contract with an organization.

VI. Local Commitment

1. Provide the results of at least one legal public hearing on the Development Plan. If more than one public hearing is held, provide the results of each. Identify how many people attended the hearing.
2. Describe issues raised at the public hearing and how the jurisdiction handled them.
3. Describe the efforts to involve the public and results.
4. Provide evidence of community support and commitment from residential and business interests.
5. Provide a resolution from the city indicating that it will approve the tax exemptions and credits provided for in the Renaissance Zone Act (See sample resolution in Appendix C of the Renaissance Zone Program Statement).

NOTE: The DCS reserves the right to ask for additional information deemed necessary to review the Development Plan.

Please include a Table of Contents with your Development Plan that clearly identifies where to find the discussion of each of the above questions.

(Please submit the original and 5 copies of the Development Plan).

APPENDIX C

SAMPLE RESOLUTION FOR THE ESTABLISHMENT OF A RENAISSANCE ZONE

A RESOLUTION FOR THE ESTABLISHMENT OF A RENAISSANCE ZONE IN THE CITY OF _____.

WHEREAS, the City of _____ recognizes the need to encourage investment within a defined geographic area of its jurisdiction that needs to be revitalized, and

WHEREAS, the Renaissance Zone Act (North Dakota Century Code (N.D.C.C.) ch. 40-63 authorizes cities to apply to the Division of Community Services (DCS) for the designation of an area within their respective political boundaries as a Renaissance Zone and, as a precondition of such application, to enact a resolution which provides within the designated and approved Renaissance Zone state income tax and local property tax exemptions, historical tax credits, and, if applicable, investment tax credits in a Renaissance Fund Organization, which resolution will be contingent upon DCS approval of the application, and

WHEREAS, enactment of such exemptions and credits will result in improving the economic, physical, and social conditions with the proposed Renaissance Zone, and

WHEREAS, the City of _____ is participating in an application to the DCS seeking approval of a Renaissance Zone (and a Renaissance Fund Organization).

NOW, THEREFORE, BE IT RESOLVED by the City of _____, that, contingent upon DCS approval of the city's Renaissance Zone (and if applicable, a Renaissance Fund Organization) application, the city will approve the tax exemptions and credits provided for in the Renaissance Zone Act.

ENACTED by the _____ (council or commission) of the City of _____ North Dakota, this _____ day of _____ 2001 (or other year).

ATTEST:

_____ By: _____

APPENDIX D

SAMPLE MEMORANDUM OF AGREEMENT

**RENAISSANCE ZONE
MEMORANDUM OF AGREEMENT**

Between
The North Dakota Division of Community Services
and
The City of _____

This Memorandum of Agreement (MOA) between the North Dakota Division of Community Services (DCS) and the City of _____ (City), effective ____ / ____ / ____, establishes a Renaissance Zone for the City (see attached map) pursuant to N.D.C.C. ch. 40-63. The City may establish a Renaissance Fund Organization pursuant to this approval. The Renaissance Zone Program Statement and the City's Development Plan as submitted and approved by DCS are binding as if those items were set out at length in this MOA. The City's Renaissance Fund Organization may initially only plan for, based on availability, tax credits of \$_____.00 under N.D.C.C. § 40-63-07(6).

The City agrees that it will fulfill its responsibilities under the Renaissance Zone Program Statement. The City further agrees that it will follow its Development Plan as submitted to DCS, that it will provide all requested information to DCS, and that it will meet its obligations under N.D.C.C. ch. 40-63. If the City does not fulfill these requirements, or if the City fails to make adequate progress after the DCS provides 90 days written notice that its progress has been inadequate, then DCS may take action against the City. This action may include canceling Renaissance Zone approval for future projects as outlined in Part X, Paragraph 18, of the Program Statement.

If N.D.C.C. ch. 40-63 is amended or repealed by the Legislative Assembly, all changes will apply to the Renaissance Zone or to this MOA automatically on the effective date of the legislation. Any changes to the Development Plan, or to any other matter, required by any legislative changes, must be made in writing and signed by both parties. The failure of the parties to agree to any changes required by legislation before the effective date of the legislation will automatically terminate Renaissance Zone approval without further action by DCS, unless DCS waives the termination in writing. Any project or investment completed before the effective date of any legislative changes is grandfathered under the prior law unless the new law requires otherwise.

Director
Division of Community Services

Mayor
City of _____

Date

Date

APPENDIX E

PROCEDURES TO OBTAIN CERTIFICATE OF GOOD STANDING FROM THE OFFICE OF STATE TAX COMMISSIONER

**PROCEDURES TO OBTAIN
CERTIFICATE OF GOOD STANDING
FROM THE OFFICE OF STATE TAX COMMISSIONER**

In order to obtain final approval from the State Division of Community Services (DCS) for a Renaissance Zone project, it is necessary to obtain a Certificate of Good Standing as evidence that the applicant is current on state taxes. To obtain a certificate of good standing, the taxpayer must submit a written request to the ND Office of State Tax Commissioner containing the following information:

1. Statement that letter is a request for a certificate of good standing for purposes of N.D.C.C. ch.40-63, Renaissance Zones.
2. Name of taxpayer. Include legal name and trade name, if different.
3. Taxpayer's mailing address.
4. Taxpayer's social security number or federal employer identification number, whichever applies. If the business or entity is new and a federal employer identification number is pending from the Internal Revenue Service, indicate this in the letter.
5. Type of tax entity, i.e., whether the taxpayer is an individual, corporation, S corporation, partnership, limited liability company, etc.
6. Indicate whether the business or entity is a preexisting one or is a newly created one.
7. If the taxpayer is a pass-through entity, such as a partnership, S corporation, etc., the identifying information in items 2-5 above must be provided for each of the entity's partners, shareholders, or members. *(However, if the pass-through entity is subject to North Dakota's financial institution tax under N.D.C.C. ch. 57-35.3, this information does not have to be provided.)*
8. Taxpayer's signature. *(For a sole proprietorship, the individual owner must sign. For a corporation, an officer authorized to bind the corporation must sign. For a partnership, a general partner must sign. For a limited liability company, a manager authorized to act on behalf of the limited liability company must sign.)*

Important: Due to the confidentiality provisions under North Dakota tax law, the certificate of good standing may only be sent to the taxpayer or a representative designated by the taxpayer. To designate a representative, the taxpayer must complete a Form 500 and submit it along with the request for the certificate of good standing.

Mail the Request to: Attn Joseph Becker, Office Of State Tax Commissioner, 600 East Boulevard Avenue, 16th Floor, Bismarck ND 58505-0599.